

In re) Fair Hearing No. 8893
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Appeal of)

The petitioner appeals the decision by the Department of Social Welfare denying her application for General Assistance (G.A.). The issue is whether the petitioner is income-eligible for these benefits under the pertinent regulations.

The petitioner lives alone. Her sources of income are federal disability benefits (Social Security and SSI) of \$432 a month plus food stamps. Her rent is \$350 plus utilities. At the time of her application, the petitioner did not allege that she was facing an "emergency" loss of any essential item of basic need.

It appears that the petitioner's financial situation was recently worsened by the fact that her son has left home to attend college, resulting in a drastic reduction in the petitioner's food stamps.

The Department's decision is affirmed.

33 V.S.A. § 3004(a) provides:

Except for those in catastrophic situations as defined in regulations, no general assistance shall be provided in the following situations:

(1) To any individual whose income from any source, including the Department of Social Welfare, during the last 30 days immediately preceding the date on which assistance is sought is equal to the general assistance eligibility standards.

Under the regulations duly promulgated by the Department (W.A.M. § 2600 (c)(1)) the maximum monthly income for a person living alone is roughly \$381. The petitioner's income is in excess of that maximum.

It was explained to the petitioner and her representatives (whom the hearing officer thanks and commends for their concern and cooperation) that the petitioner could be eligible for "emergency" G.A. benefits if, in any month, she has spent all her money and is faced with the imminent ("catastrophic") loss of an essential item of need (e.g., housing, utilities, food, medical care, etc.). Under the statute and regulations, however, the petitioner is clearly not eligible for "regular" G.A. as a general income supplement.¹ The Human Services Board is bound by law to affirm decisions by the Department that are in accord with the pertinent statutes and regulations. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

FOOTNOTES

¹Payment levels of ANFC and G.A. are set by the Department based primarily on the level of appropriations by the state legislature.